

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KERRI MOHNSEN,

Plaintiff,

vs.

EDUCATIONAL SERVICE UNIT NO. 1,  
of the State of Nebraska; WALTHILL  
PUBLIC SCHOOLS (NEBRASKA  
SCHOOL DISTRICT NO. 87-0013),  
STUART CLARK, in his individual and  
official capacities; WILLIAM HEIMANN,  
in his individual and official capacities;  
and EDWARD STANSBERRY, in his  
individual and official capacities;

Defendants.

**4:19CV3061**

**AMENDED PROGRESSION ORDER**

The parties have jointly moved for extension of certain deadlines (Filing No. 43). The court previously denied the parties' joint motion for extension, but on the parties' supplemental showing, IT IS ORDERED that their motion for extension (Filing No. 43) is granted and the final progression order is amended as follows:

- 1) The status conference set for May 12, 2020 at 11:00 a.m. before the undersigned magistrate judge is **cancelled**. A status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **November 12, 2020 at 9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is January 20, 2021. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by February 3, 2021.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned

magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for identifying rebuttal experts and for complete expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is October 1, 2020. Plaintiff's rebuttal expert disclosures are due November 1, 2020.
- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is February 19, 2021.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is December 1, 2020.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is January 4, 2021.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 8th day of May, 2020.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge

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<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.